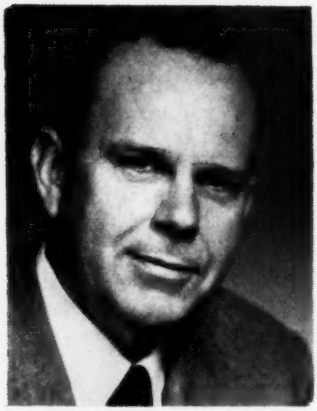
NEBRASKA State Bar Journal



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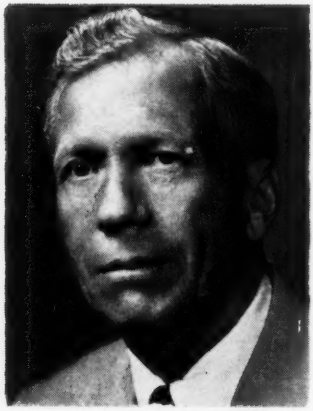

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NEBRASKA STATE BAR JOURNAL

VOLUME 4 • OCTOBER, 1955 • NUMBER 4

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George H. Turner, Secretary

The official publication of information about the affairs of the Bar of Nebraska. Subscription included in membership dues paid annually by active members of the Nebraska Bar Association. Postage prepaid.

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PRESIDENT'S PAGE

As I write this article, it brings to mind many pleasant and interesting experiences that have come to me while serving your bar association as President.

The rush of new ideas soon vanished for more important duties of seeing what may be accomplished by an organization composed of men dedicated to Justice.

During the past few months I have met with the various committees and have found them all trying to do for you the tasks set forth in their respective fields.

The district bar associations are doing much to promote their real place in the minds of the public — that place which all professional men so well deserve..

John J. Wilson

The American Bar Association has had a major part in helping me to realize the importance of lawyers and what as an organization they can accomplish. Educational ideas have always been the aim in order to make lawyers proficient in handling the affairs of their clients.

At the meeting of the National Conference of Bar Presidents held in Philadelphia prior to the annual meeting of the American Bar Association, 42 presidents of state associations were present, as well as many presidents of bar associations of the larger cities. Problems common to all such organizations were discussed and new ideas were disclosed so that the association would be in a position to carry on in such a manner as to make bar associations an important part of a lawyer's career, and to help the individual practitioner in his work.

With a friendly press, an understanding Legislature, diligent and willing workers of your organization, and an efficient Secretary, this year your president has had all the tools he could use to achieve the accomplishments that have been made.

NEWLY ELECTED MEMBERS OF THE HOUSE OF DELEGATES

As the result of an election held in the odd numbered judicial districts the following have been elected to the House of Delegates of the Nebraska State Bar Association:

1st District:
(Johnson, Nemaha, Pawnee, Richardson)
Clyde Barton, Pawnee City

3rd District:
(Lancaster)
David Dow, Lincoln
C. Russell Mattson, Lincoln
Elmer M. Scheele, Lincoln

Robert Van Pelt, Lincoln
5th District:
(Hamilton, Polk, Butler, Saunders, Seward, York)
Charles F. Adams, Aurora
Joseph C. Hranac, David City
7th District:
(Fillmore, Nuckolls, Saline, Thayer)
Robert H. Downing, Superior
9th District:
(Antelope, Cuming, Knox, Madison, Pierce, Stanton, Wayne)
Ralph S. Kryger, Neligh
Donald D. Mapes, Norfolk
11th District:
(Blaine, Garfield, Grant, Greeley, Hall, Hooker, Howard, Loup, Thomas, Valley, Wheeler)
Ernest A. Ondracek, Greeley
Carl E. Willard, Grand Island
13th District:
(Arthur, Banner, Cheyenne, Dawson, Deuel, Keith, Kimball, Lincoln, McPherson)
Milton C. Murphy, North Platte
William A. Stewart, Sr., Lexington
15th District:
(Boyd, Brown, Holt, Keya Paha, Rock)
George A. Farman, Jr., Ainsworth
17th District:
(Garden, Scotts Bluff, Morrill)
Hans J. Holtorf, Gering

The newly elected Delegates will serve their respective districts for a term of two years.

SOCIAL SECURITY FOR LAWYERS

The question of whether lawyers should be covered by the social security program has been hotly debated and a sharp division of opinion on the subject exists today among members of the legal profession.

The original position taken by the House of Delegates of the American Bar Association was opposed to including lawyers under social security. After this position was announced many lawyers throughout the country protested that this action by the House of Delegates did not express the true sentiment of the bar and it was determined to take a poll in the several states. The results of this poll were collected by the National Conference of Bar Presidents and reported to the House of Delegates at the February, 1955 meeting of that body.

As a result of this poll, the House of Delegates reversed its original position and went on record as favoring voluntary inclusion of laywers under the Social Security Act. (See Nebraska State Bar Journal, April, 1955)

Since the action taken in February by the House of Delegates, many lawyers familiar with the Social Security Act and a considerable number of Congressmen and Senators have raised the question that "There ain't no such animal" as voluntary inclusion under social security and that if lawyers are to be included under the Act it must be on a compulsory basis.

In order that representatives of the American Bar Association may accurately advise the Congress as to wishes of the lawyers of America on this controversial issue the Board of Governors of the ABA has requested that another poll be taken. This poll is designed to secure an expression from all members of the bar as to the posi-

tion they wish to take on the issue of compulsory inclusion as against no coverage at all, if it be determined that voluntary inclusion is an impossibility.

The Board of Governors will prepare a brief statement of the issue and will suggest a form of ballot to be used by each state bar association in polling its members. The results of this poll will again be tabulated by the National Conference of Bar Presidents and a report made to the Congress.

It is imperative that the views of the bar be ascertained before January 1, 1956. As soon as the form of the ballot is agreed upon, a poll of Nebraska lawyers is contemplated. It is hoped that when the ballot reaches YOU, it be returned promptly to the Secretry so that an authentic report as to the wishes of our bar may be made.

NEW OFFICERS TO TAKE OVER

Shown on the front cover of this issue are the retiring and the incoming officers of your association.

President John J. Wilson has served during a year of great achievement by the association as exemplified particularly by the success of the legislative program of the association during the 1955 session of the Nebraska Legislature.

Jean B. Cain of Falls City has had the distinction of serving as the first Chairman of the House of Delegates under our new form of organization.

At the close of our 1955 annual meeting on October 7, 1955, Wilber S. Aten of Holdrege will assume the Presidency and Hale McCown of Beatrice will be installed as Chairman of the House of Delegates. Both Aten and McCown were nominated for their respective positions by the Executive Council. The Council also nominated Clarence E. Haley of Hartington to be Member at Large of the Executive Council. No opposing candidates were proposed and each was therefore unanimously elected to his respective office.

Aten was graduated from the University of Nebraska, College of Law in 1924 and has since practiced law in Holdrege. He has been active in committee work within the Association and has served two terms as a member of the Executive Council.

McCown is a graduate of Duke University. Following his graduation he practiced his profession in Portland, Oregon until returning to his former home in Beatrice in 1942 to engage in the practice. He has been active in the Section on Taxation of which he is currently serving as Vice Chairman. He has participated in many of the Tax Institutes conducted by the Section.

Haley is also a graduate of the Nebraska Law School, having been admitted to the bar in 1921. He practices at Hartington and has been active in the affairs of the Association.

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Hotel DeSoto.....New Orleans
NEBRASKA
Hotel Paxton.....Omaha
NEW MEXICO
Hotel Clovis.....Clovis
SOUTH CAROLINA
Hotel Wade Hampton.....Columbia
TEXAS
Hotel Stephen F. Austin.....Austin
Hotel Edson.....Beaumont
Hotel Brownwood.....Brownwood
Hotel Baker.....Dallas
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Hotel Menger.....San Antonio
Angeles Courts.....San Antonio
VIRGINIA
Hotel Mountain Lake...Mountain Lake
Hotel Monticello.....Norfolk

PRACTICE AND PROCEDURE SECTION

The newly created Section on Practice and Procedure, of which John L. Barton, of Omaha, is chairman, will present its first program at the 1955 annual meeting of the Association.

Wm. E. Knepper

From the standpoint of practical interest to every lawyer, this Section bids fair to become one of the most popular within the Association.

The first of two speakers who will appear on the Section program on October 6, 1955 will be William E. Knepper, of Columbus, Ohio. Mr. Knepper is a member of the firm of Knepper, White, Richards, Miller and Roberts. He is a past president of the Columbus Bar Association; a member of the Executive Committee of the Ohio State Bar Association, the International Association of Insurance Counsel and the American College of Trial Lawyers. He is currently the Editor of the Insurance Counsel Journal. Mr. Knepper will discuss "Some Aspects of Discovery under the Federal Rules of Civil Procedure."

The second speaker before the Section will be Lester P. Dodd, a member of the firm of Crawford, Sweeny, Dodd and Kerr, of Detroit, Michigan.

Lester P. Dodd

Mr. Dodd is a past president of the Michigan State Bar Association and of the International Association of Insurance Counsel; a fellow in the American College of Trial Lawyers and a member of the Michigan, American and Detroit Bar Associations.

Mr. Dodd's subject "The Trial of Law Suits and the Perils of Over Trial" should appeal to every Nebraska practitioner.

INTERESTING SECTION PROGRAMS FEATURE ANNUAL MEETING

The Junior Bar Section, which meets on October 7, 1955 will have as its principal speaker Hon. Roman L. Hruska, of Omaha. Senator Hruska will discuss "Executive Records in Congressional Investigations—Duty to Disclose—Duty to Withhold."

The new 1955 basic automobile liability and physical damage insurance policy form will be the chief subject of interest for members of the Section on Insurance Law at their meeting which is also to be held on October 7. Before the Section to explain the new

policy will be Floyd O. Terbell, of Chicago. Mr. Terbell is with the Lumbermans Mutual Casualty Co. and is an expert in his field. His topic will be "Developments in Standard Automobile Coverages."

Hon. Joseph Sewell, District Manager Social Security Administration, will address the Section on Taxation at its October 7 meeting on the subject "Changes in Social Security Provisions." This will be followed by a panel discussion of developments under the 1954 Revenue Code.

The moderator of the panel will be Hale McCown, of Beatrice, Vice-chairman of the Section. Members of the panel will be Robert V. Denney, of Fairbury; Leo Eisenstatt, of Omaha; John C. Mason, of Lincoln and John E. North, of Omaha.

MORTON TO ADDRESS SECTION

Hon. Perry W. Morton, Assistant Attorney General of the United States, will address the Section on Real Estate, Probate and Trust Law, at its meeting on October 7, 1955. Mr. Morton practiced in Lincoln from the time of his admission in 1929 until his appointment by Attorney General Herbert Brownell to be Assistant Attorney General of the United States in charge of the Lands Division of the Department of Justice.

Perry W. Morton

Before leaving Nebraska he was active in our association and particularly in the work of the Section he is to address. His topic will be "Some Real Property Aspects of Avigation."

Other features of the program of the Section will be talks by Barton H. Kuhns, of Omaha, newly elected President of the National Conference of Commissioners on Uniform State Laws, who will discuss "The Proposed Model Probate Code" and a discussion by Herman Ginsburg, of Lincoln of "Real Property, Probate and Trust Legislation of 1955."

JURORS' MANUAL REVISED

The pamphlet "A Manual for Jurors in Nebraska" which was first published in 1954 has been revised to include changes made by the 1955 Legislature with respect to qualifications of jurors and is now being distributed.

The format of the manual has been much improved by the addition of a blue cover carrying a cut depicting the goddess of Justice. In its new form the manual is much more attractive than the one originally published.

The Association prints a sufficient number so that a copy can be sent to each person summoned for jury duty throughout the state. The Jury Commissioners in Douglas and Lancaster counties and the Clerks of the District Courts, who act as ex officio Jury Commissioners elsewhere in the state, have been most cooperative in distributing the manual.

In addition to the use of the manual as a service to prospective jurors, a considerable number of copies have been sent to teachers in the grade and high schools of the state. They are being widely used in classes in government.

Any member of the association having occasion to deliver an address on the subject is welcome to a supply of manuals for distribution to his listening audience.

ADAMS COUNTY LAW LIBRARY

The Adams County Law Library was established in 1948 through the cooperation of the County Board of Supervisors and the members of the Adams County Bar Association.

It was decided that the first books to be acquired by the Library would be the National Reporter System and the Decennial Digest System. The members of the Bar agreed to contribute $50.00 per year for a five year period from fees received as guardian ad litem and as referee in partition cases and in other cases where there is an appointment by the District Court and the fee is fixed and determined by the court. These funds were to be used to purchase an existing library which included the first series of the National Reporter System and the Century Digest and the first, second, third, and fourth Decennial Digest.

The Board of Supervisors agreed to purchase with county funds the volumes necessary to bring the Reporter System and the Digest System up to date. The county provided space for the library in the courthouse in a room adjacent to the office of the District Judge. A resolution adopted by the Board of Supervisors officially established the "Adams County Law Library" and provided for a library committee consisting of a member of the County Board, who is Chairman of the committee, the County Attorney, a District Judge, the County Judge, and a member of the Adams County Bar Association.

The Library now consists of the National Reporter System, except the New York Supplement and the Federal Rules Decisions, and the complete Decennial Digest System. These volumes have been paid for, and the Library Committee is presently negotiating for and considering the purchase of Corpus Juris Secundum.

The Library is the property of the county, and is available to the public. Access may be obtained through the Clerk of the District Court.

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OMAHA LAWYERS ATTEND INSTITUTE

Nine Omaha lawyers attended the summer short course of the Law-Science Institute, Hotel Morrison, Chicago, from July 18 through the 23rd. This institute is conducted by Dr. Hubert Smith of the Law-Science Institute of the University of Texas. It is a combined operation of the law and medical schools of that university. About 225 lawyers from 38 states listened to a very full schedule of lectures, demonstrations and color films, given by practicing lawyers and doctors who were there from widely scattered portions of the country. Plaintiffs bar and defendants bar were about equally well represented at the institute. The attorneys attending from Omaha were: Everett C. Pilcher, Robert W. Haney, Thomas A. Walsh, Martin A. Cannon, Jr., Tom Kelley, Robert C. McGowan, Robert B. Hamer, Frank J. Given and Charles E. Kirchner.

REGIONAL MEETING

States included in this Regional meeting are Iowa, Montana, Nebraska, North Dakota, South Dakota and Wisconsin.

A committee has been appointed in each of the states involved to assist in the planning and presentation of the program.

The committee for Nebraska includes chairman John J. Wilson, of Lincoln; George H. Turner, Lincoln; George A. Healey, Lincoln; Thomas C. Quinlan, Omaha; Donald F. Sampson, Central City and Joseph C. Tye, Kearney.

More than 15,000 lawyers, judges, law teachers and students of seven states and three provinces of Canada have been invited to attend the Northwest Regional Meeting of the American Bar Association which will be held in the Twin Cities, Minnesota, October 12th-15th, 1955.

An unparalleled program of bar organization, institutes and section meetings, inspiration and entertainment will be provided for those who attend.

Outstanding personalities in the field of law will deliver addresses on important and timely subjects.

The National Officers of the American Bar Association will all be present and participate in the proceedings. Prominent members of the Canadian Bar have been invited to participate.

Presidents of State and Local Bar Associations and other bar leaders in the region have been asked to submit their ideas to formulate an outstanding program.

Headquarters for the meeting will be the Hotel St. Paul, St. Paul, Minnesota.

The first day of the convention, Wednesday, October 12th will be devoted to a famous panel on Trial Tactics.

At 5:30 P. M., Wednesday, the registrants and their wives will be the guests of the Ramsey County Bar Association at a cocktail party to be held in the Hotel St. Paul.

The General Assembly will convene Thursday morning, October 13th in the theatre section of the St. Paul auditorium, at which time you will have the opportunity to meet men of national fame. A luncheon has been scheduled for Thursday noon at the Hotel St. Paul, at which the Honorable Walter N. Bastian, Judge of the Court of Appeals, Washington, D. C., will be the principal speaker.

Thursday evening the registrants and their wives are invited to attend a reception and party in Minneapolis, sponsored by the Hennepin County Bar Association.

Friday, October 14th has been designated as "Canadian Bar Day", arrangements have been made for a luncheon at the Hotel St. Paul, at which the Honorable Samuel Freedman, Judge of the Court of Queens Bench, Winnipeg, Manitoba, has been invited to be the principal speaker. Friday evening immediately preceding the banquet the registrants and wives will be the guests of the Ramsey County Bar Association at a cocktail party.

Section meetings, panel discussions, seminars and institutes will be held all day Wednesday, Thursday afternoon, Friday morning and afternoon, and possibly Saturday morning.

Advance registration is urged. Fee $10.00 for lawyers, $5.00 for guests. Lawyers who are not members of the American Bar Association are invited to attend.

Registration reservations should be mailed to W. W. Gibson, Chairman, 302 Roanoke Bldg., Minneapolis 2, Minnesota; Hotel reservations should be mailed to Clifford W. Gardner, Chairman, 1034 Minnesota Bldg., St. Paul 1, Minnesota.

This Advance Program Suggests What's In Store For You

Wednesday, October 12th

9:30 A. M. Minnesota's Famous Trial Tactics Panel consisting of:
Hon. Gustavus Loevenger
Hon. Sidney P. Gislason
Hon. Clifford W. Gardner
Institute on Civil Jury Trial Techniques

12:00 noon Adjourn

2:00 P. M. Continuation: Trial Tactics Panel, Institute on Taxation

5:30-7:30 P. M. Reception and cocktail party
Host: Ramsey County Bar Association
Place: Hotel St. Paul

Thursday, October 13th

10:00 A. M. Grand opening of Northwest Regional Meeting
W. W. Gibson, presiding
Invocation

Greetings John M. Palmer, President, Minnesota State Bar Association

Welcome Governor Orville L. Freeman

Welcome Joseph E. Dillon, Mayor of St. Paul.

Introduction of A.B.A. Pres. Ivan Bowen, Co-chairman, Northwest Regional Meeting

Address Hon. E. Smythe Gambrell, President American Bar Association
Presentation of outstanding American personalities

12:00 noon Adjourn

12:15 P. M. Luncheon — In Honor American Citizenship
Presiding, Reuben Thoreen
Principal Speaker: Hon Walter N. Bastian, Judge, Court of Appeals

2:00 P. M. Institutes
Administrative Law
Taxation
Insurance
Legal Aid and Reference

Public Relations

7:00 P. M. Reception and welcome party in Minneapolis. Host: Hennepin County Bar Association.

Friday, October 14th

9:30 A. M. Institutes
Practical Evidence
Labor Relations
Unauthorized Practice of Law
Property and Probate Law

12:00 noon Adjourn

12:15 P. M. Luncheon—In Honor Canadian Bar
John M. Palmer, presiding
Principal Speaker: Justice Samuel Freedman, Court of Queens Bench, Winnipeg, Manitoba

2:00 P. M. Institutes
Law Office Management and Fees
Corporation, Banking and Business Law
Mineral Law
Anti-Trust Law

6:30-7:30 P. M. Cocktail party. Host: Ramsey County Bar Association.

7:30 P. M. Convention banquet (dress optional).
Arena Section, St. Paul Auditorium. President E. Smythe Gambrell presiding. Banquet to be followed by glamorous ice show.

The banquet tables will be arranged around a large sheet of ice upon which the entertainers will perform. A 25 piece orchestra will play during dinner and the ice show.

Saturday, October 15th

9:30 A. M. Institutes
Sightseeing and golf

ANNUAL TAX CLINIC

The thirteenth Annual Tax Institute to be conducted by this association is scheduled to be held during the week commencing December 12, 1955. Definite plans for the institute have not been completed but it will probably consist of two day sessions to be held in three cities.

The institute this year will be of particular interest because it will include a discussion of the new regulations by Laurens Williams and Bob Moodie, both of whom have devoted the past six months to service under the Secretary of the Treasury in the drafting of regulations.

Hale McCown of Beatrice, chairman of the Section on Taxation, is in charge of arranging the program for the series.

Annual Meeting, October 6-7.

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NEW PAMPHLETS FOR DISTRIBUTION

The 1955 Committee on Public Service has prepared three new pamphlets which are now being distributed.

The subjects covered are "Buying and Selling Real Estate", "Will You Be Next—What to do in Case of an Automobile Accident" and "Confidentially, Mr. Attorney."

The first two are designed for distribution to clients as were the three original pamphlets entitled "Wills", "Joint Tenancy", and "Are You Sure You Want to Sign That?" The third was prepared by the committee for distribution to lawyers only and is a frank discussion of the part of the individual lawyer in the program of public relations.

Copies of all three of the new pamphlets are being sent to all active members of the association for examination. In line with the policy established by the Executive Council when the original pamphlets were published, any active member may receive 25 copies of the pamphlets on "Buying and Selling Real Estate" and "Will You Be Next" without charge by addressing a request to the Secretary. Additional copies will be furnished for a charge of $1.00 per hundred, which is slightly less than the cost of production. The new publications are an excellent addition to the supply now displayed in pamphlet racks by many members. Racks are still available through the office of the Secretary for a charge of $2.00 post paid.

The new pamphlets are copyrighted by the Association but permission will be freely given to banks and trust companies and other similar institutions desiring to distribute them with their own imprint. The only restriction on such re-publication is that credit for preparation must be given to the Nebraska State Bar Association.

Members of the Committee on Public Service are chairman Elmer M. Scheele, of Lincoln; Milton R. Abrahams, Omaha; John B. Cassel, Ainsworth; James J. Fitzgerald, Omaha; Henry M. Grether, Jr., Lincoln; William H. Meier, Minden; P. M. Moodie, West Point and R. R. Wellington, Crawford. Joseph C. Tye, of Kearney, a member of the Executive Council acts as Coordinator.

ROCKY MOUNTAIN MINERAL LAW INSTITUTE

The Rocky Mountain Mineral Law Institute announced in the July issue of the Journal was held at Boulder, Colorado July 21-23. The success of the institute far exceeded the hopes of those who had planned the program and arranged for its presentation.

The committee having in charge the organization of the institute

originally estimated that from 200 to 300 interested lawyers might attend. The total registration exceeded 600 and included lawyers from 22 states. Colorado, Wyoming, Oklahoma and Texas contributed the largest number of registrants but 23 from our own state were in attendance.

At a series of organizational meetings held through the period it was determined to hold the institute annually and to incorporate with members of the Board of Directors chosen from the participating states. The Nebraska State Bar Association was represented at these meetings by John J. Wilson, president, and George H. Turner, secretary.

This association has been asked to join in the permanent sponsorship of the Institute, which question will be submitted to the House of Delegates at the 1955 annual meeting. No financial obligation is involved.

SECTION PROGRAM

The principal speaker before the Section on Municipal and Public Corporations at its meeting on October 6 will be Henry B. Curtis, City Attorney of New Orleans, La., whose subject will be "Just Compensation in Eminent Domain Proceedings."

Henry B. Curtis

Mr. Curtis is a graduate of Loyola University of New Orleans and a member of the bar of Louisiana and of the bar of the Supreme Court of the United States. He is affiliated with the Louisiana State Bar Association; the American Bar Association; the Louisiana Law Institute and the New Orleans Bar Association and served as president of the National Institute of Municipal Law Officers in 1954-1955.

Vance E. Leininger, of Columbus, is chairman of the Section.

RAUN APPOINTED JUDGE

On July 9, 1955, Governor Victor E. Anderson announced the appointment of Alfred D. Raun, of Walthill, as judge of the district court for the eighth judicial district.

Alfred D. Raun

Judge Raun is a graduate of the University of Nebraska, College of Law and has practiced in Thurston County since 1926. He has maintained offices in Walthill and Pender.

The appointment is to fill the vacancy caused by the death of Judge Sidney T. Frum.

NEWSPAPER ARTICLES AVAILABLE

On September 6 the Committee on Public Service inaugurated a new service, which should be of great value to all members of the Association, consisting of the distribution of articles on legal subjects to all of the 300 newspapers of the state. The articles will run in a series entitled "You and the Law", and consist of carefully prepared discussions of the legal aspects of matters of interest to the general public.

A mat to be used as a heading for each of the bi-monthly columns has been prepared and a copy furnished to each newspaper.

This type of informational article has been used successfully by a number of state bar associations throughout the country and it is the hope of the committee that wide use will be made of the service by the newspapers of Nebraska.

The mat which is to be used and the first article in the series is reproduced herein. It will be of great help to the committee if each member will encourage use of the series by his local editor.

YOU and the LAW

PREPARED BY THE
NEBRASKA STATE BAR ASSOC.
AN ORGANIZATION
OF THE LAWYERS
AND JUDGES OF NEBRASKA.

SHOULD YOU HAVE A WILL?

Every person should have competent legal advice to determine whether or not he should have a will was stated by the Nebraska State Bar Association. It is not necessarily true that every person should have a will. It is true that only a lawyer is able to tell you whether or not you should have one.

A will is a written document in which a person directs the disposition of his property at death. You can't take it with you, but by means of a will you can direct what should be done with it. If you do not make a will then the law will direct just how your property should be distributed. This may be contrary to your wishes.

A will is an important document. It is a document which will always meet the scrutiny of a court. If properly prepared it is not easily broken. An attorney by education and training is qualified to prepare a will. It should be written to meet the needs of each individual. In event the wishes of a person change, a will may be changed. It is a document which is not final until the death of the one making it.

There are a number of reasons for making a will. By proper disposition of your property, estate and inheritance taxes may be saved. However, the most important reason is that by making a will, one can, at death, give his property to the person or charity he wants to have it.

Many costly mistakes and dis-

appointments might be avoided by a visit with your lawyer.

This article is prepared as a public service by the Nebraska State Bar Association, 2413 State House, Lincoln, Nebraska.

(This column is written to inform and not to advise. Facts may change the application of the law in an individual case.)

News of Nebraska Lawyers

The Tri-County Bar Association composed of the lawyers of Kimball, Cheyenne and Deuel Counties met at the Sidney Country Club on July 28th. Another meeting is scheduled for late September at Chappell.

R. L. Smith, of Chappell, has been appointed Mayor of his city to fill a vacancy caused by the death of the incumbent mayor.

Frank Balderson, formerly of Benkelman and a 1955 graduate of the University of Nebraska, College of Law, is now associated with John Peetz, Jr., of Sidney.

Jack Knicely of Sidney has recently spent a two week tour of duty with the United States Air Force Reserve at Missoula, Montana.

Clinton and McNish, of Sidney, have recently moved into remodeled and air conditioned offices in the Doron Building at 1015 Illinois street.

Hale McCown, of Beatrice, and Paul A. Phillips, of the faculty of the University of Nebraska, College of Law, conducted an institute on Federal Taxation on August 31, as a part of the program of the annual meeting of the State Bar of South Dakota. The institute was held at Rapid City.

Robert Lammers, a newly admitted member of the bar, is associated with his father-in-law, William H. Heiss at Gering.

James H. Macken has become an associate in the office of Neighbors and Danielson, in Scottsbluff.

Don W. Pederson will be associated with Byron M. Johnson in Scottsbluff early in September. He will also serve as Deputy County Attorney of Scotts Bluff County.

Byron M. Johnson, County Attorney of Scotts Bluff County and Pat Heaton, Jr., County Attorney of Cheyenne County attended the institute for public prosecutors sponsored by the Practicing Law Institute and the Association of the Bar of the City of New York. The institute was held in New York City during the week of July 11 through July 16.

R. E. Bannister, of Cozad, suffered a coronary occulsion on August 2 and died the following day. Mr. Bannister had practiced in Cozad since 1931. He has recently been associated with Stanley Deines under the firm name of Bannister and Deines.

Paul J. Gerdes, of Cozad has recently joined John M. Neff in the law partnership of Neff and Gerdes.

The Hall County Bar Association held its annual picnic at Riverside Country Club in Grand Island on August 23.

Three Fairbury attorneys are active in public service. Melvin Moss is serving as County Attorney of Jefferson County, George Burger has been appointed City Clerk and Al Detmer is Veterans Service Officer. All three are also active in the practice of law at Fairbury.

Lawyers of the 9th Judicial District gathered on July 19 at the invitation of Harold Rice to honor Judge Lyle E. Jackson on his birthday.

The Dawson County Bar Association held its annual picnic at the cabin of W. A. Stewart, Sr., of Lexington on August 31st.

W. A. Stewart, Jr., of Lexington, has joined his father in the practice of law. He is the third generation of Stewarts to practice in Dawson County.

City Attorney R. G. Folda, of Schuyler, has been elected president of the Schuyler Rotary Club.

Past District Governor, Henry F. Schepman, of Falls City, is responsible for the establishment of a Rotary Club at David City.

Francis R. O'Brien, of Schuyler, and Robert L. Flory, of Fremont, are members of the Committee of Voiture No. 1018, of the Forty and Eight to select an applicant to qualify for the first Forty and Eight Nurses Scholarship established in Nebraska.

Lloyd L. Pospishil, of Schuyler, has been elected Chef de Gare of Voiture No. 1018, of the Forty and Eight and Grand Lampiste of the Grand Voiture of Nebraska of the Forty and Eight. He also served as chairman of the Resolutions Committee at the annual meeting of the American Legion, Department of Nebraska, at its 1955 meeting.

Richard Proud, formerly of Arapahoe, has joined the legal department of Mutual of Omaha.

IN MEMORIAM

It is with deep regret that the Journal records the passing of these members of our Association:

R. E. Bannister — Cozad
Admitted 1930, Died August 1955

Archer M. Bunting — Lincoln
Admitted 1910, Died August 1955

Allen G. Burke — Bancroft
Admitted 1903, Died June 1955

D. O. Dwyer — Weeping Water
Admitted 1889, Died August 1955

Sidney T. Frum — South Sioux City
Admitted 1909, Died July 1955

Palmer McGrew — Lincoln
Admitted 1930, Died June 1955

Fred Schroeder, Jr., of Curtis, a recently admitted lawyer, has joined his father in the practice.

H. E. Siman, retired Wayne attorney, celebrated his 86th birthday on September 20. Mr. Siman moved to California upon his retirement in 1953 but returned in June to Wayne where he will live.

The Fifth Judicial District Bar Association will hold its annual meeting in Aurora on September 28. Charles L. Whitney of Aurora is president and J. C. Hranac, of David City is Secretary-Treasurer.

E. J. McCarthy, formerly of Ponca, is practicing in South Sioux City.

Ronald K. Samuelson, of Walthill, is Secretary of the Thurston County Fair.

John D. Knapp, formerly of Ansley, is associated with the firm of Torgeson, Halcomb and O'Brien at Kimball.

Maynard E. Crosby, of North Platte, has returned from Europe after an extended combination vacation and business trip.

Henry F. Pedersen, Jr., admitted to the bar in 1953, has completed a tour of duty with the Armed Forces and has entered the practice as an associate of Beatty, Clarke, Murphy and Morgan, at North Platte.

Robert R. Wellington, of Crawford, vacationed in Canada where he attended the Boy Scout Jubilee in which his son Rob participated.

George P. Burke, formerly of Alliance, and late of the Judge Advocate General Corps, is now associated with Van Steenberg and Myers, in Kimball.

William H. Hein, Jr., admitted in June of this year, is associated with Gantz, Williams and Hein, of Alliance. His father is a member of the firm.

Attorneys from Nebraska in attendance at the Short Course for Prosecuting Attorneys conducted by Northwestern University, School of Law at Chicago from August 1 to August 6 were: Robert R. Moran, Alliance; Dixon G. Adams, Papillion; E. A. Cook III, Lexington; Richard S. Harnsberger, Lincoln; Eugene C. McFadden, Norfolk; William G. Line, Fremont; Marvin A. Romig, Oshkosh; George W. Haessler, Wahoo; J. Cedric Conover, Bridgeport and W. C. Conover, Grant. The brothers Conover were recognized as being the only twin prosecuting attorneys in attendance.

DECISION FOR JUSTICE

The E. I. DuPont de Nemours Co., of Wilmington, Delaware, as a part of its "Cavalcade of America" series has produced a film entitled "Decision for Justice."

The film is a 16 mm print with sound and has been issued in connection with the Bicentennial Celebration of John Marshall, the great Chief Justice. It is the picture story of the famous decision in *Marbury v. Madison,* and is both

interesting and instructive.

The DuPont Company has issued a print of this film to each of the state bar associations for such use as each sees fit to make of it. The only restriction is that the picture may not be shown to an audience paying admission nor used on television without the permission of the company.

A copy of "Decision for Justice" has been received by the Nebraska State Bar Association and it will be shown at the annual meeting in October. Any local or district association wishing to show the film may secure its use by writing the Secretary for a booking. Requests will be honored on a "first come, first served" basis. The film is admirably suited for showing at local organization meetings such as luncheon clubs and in the schools.

The print is made available to our association without charge for a period of 90 days, which means that we will have the use of the film for local showing until December 1, 1955. If any member desires to exhibit the picture in his community an application should be sent to the Secretary at once. In submitting a request for the use of the film it is suggested that alternate dates be indicated in case the film is already booked for the date of your first choice.

The use of this film in your community will be a fitting observance of the nationwide Bicentennial Celebration of John Marshall.

SCOTTS BLUFF COUNTY JUDGE PREPARES MANUAL

Judge Ted R. Feidler and members of the Scotts Bluff County Bar Association have prepared a manual for probation officers for juvenile offenders. The manual is now being printed and should be ready for distribution soon.

This manual is designed for use by probation officers who are selected by the County Judge to supervise juvenile delinquents.

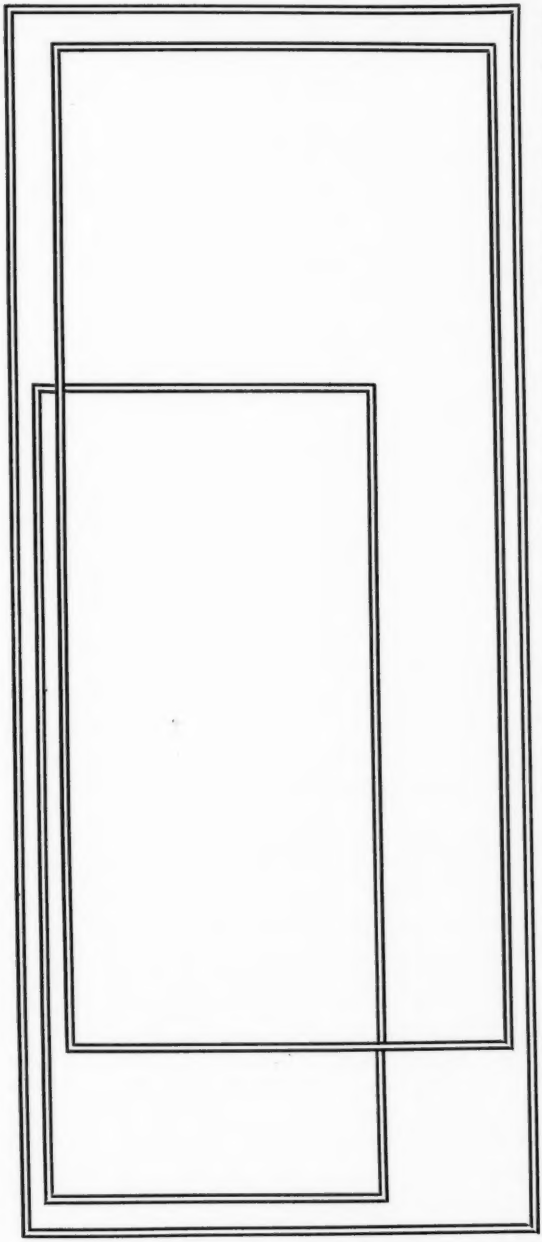
At present Judge Feidler has more than 30 adults acting as private probation officers for juvenile offenders who have been before his court.

The manual explains to the probation officer the steps to be taken in working with his charges. Problems of the school, the home, the church, friends, money and recreation are discussed with suggestions.

The manual was prepared in draft form and submitted to a committee of the Scotts Bluff County Bar Association composed of Loren G. Olsson, chairman, Russell E. Lovell and James A. Macken. From the joint efforts of Judge Feidler and the bar committee a final draft has been approved for publication.

Plan now to attend the Annual Meeting at Hotel Paxton, Omaha, October 6 and 7, 1955.

How Big is a Dollar Bill?



Can you tell which of these rectangles is the same size as a dollar bill?

If you chose the largest one, you were only partly wrong for dollar bills were once that size. But those bills have been out of circulation since 1929 and the dimensions of today's bill are those of the middle-sized drawing.

The dollar bill has shrunk in value too as everybody knows. Its general purchasing power today, represented by the smallest of the three rectangles, is only about one-half that of the big dollar of 1929.

Thus it may surprise you to learn that today's dollar (notwithstanding the loss in size and general purchasing power) will buy more citations and broader coverage in any Shepard publication than the 1929 dollar bought in its day.

That is because throughout the intervening years Shepard's has with marked success directed its every effort toward supplying an ever larger and better measure of service for each subscription dollar.

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ANNUAL MEETING

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OMAHA

OCTOBER 6 AND 7, 1955

INTERESTING AND INSTRUCTIVE
SECTION PROGRAMS

ENTERTAINMENT FOR THE LADIES

ANNUAL DINNER THURSDAY, OCTOBER 6, 1955

SPEAKER ------ **BOB CONSIDINE**

Noted Author, I.N.S. Correspondent, King Features Columnist, Star of Radio-TV Program "On the Line with Considine"

The House of Delegates Will Meet on October 5, 1955

STATUTORY SERVICE OF PROCESS UPON SECRETARY OF STATE; IMPORTANT CHANGES RESULTING FROM 1955 LEGISLATIVE ACTION

By ROLAND A. LUEDTKE, Deputy Secretary of State,
Member of the Nebraska Bar

Statutory service of process upon the Secretary of State of Nebraska took on new significance as a result of three bills passed by the 1955 Legislature. These bills (L. B. 278, L. B. 279, and L. B. 252) became law September 18, 1955 and should be of interest to every practicing attorney.

I—More Liberal Procedure in Nonresident Motor Vehicle Cases

L. B. 278 provides a more liberal procedure relative to service upon the Secretary of State as agent of nonresident owners of motor vehicles traveling in the State of Nebraska. Prior to this legislation, Section 25-530, R. R. S. 1943, was interpreted to mean that where service of process must be made upon a named public official, such "constructive or substituted service must be strictly construed." In effect, therefore, no successful service could ever be completed when the Secretary of State was absent for any reason from his office in the State Capitol Building in Lincoln. Technically speaking, the service would be invalid whether the Secretary of State was merely out of the office temporarily or out of the county or state.

Under the new law, the Secretary may designate in writing specific persons employed in his office upon whom process may be served. Accordingly, Secretary of State Frank Marsh has so designated in writing the names of his deputy, administrative assistant, and office manager, any one of whom may be served in Mr. Marsh's absence.

It remains the duty of the plaintiff in these cases to send a copy of the process by registered mail to the defendant within ten days after such service. It is also the duty of the plaintiff to file an affidavit with the clerk of the court in which the action is brought stating that he has complied with such notification instructions.

A fee of two dollars ($2.00) for each defendant served in this manner is still required under the new law.

II—Same Applied to Service on Domestic and Foreign Corporations; Specific Information Required and Fee Added for Foreign Corporations.

L. B. 279 amends Sections 21-192 and 21-1201, R. R. S. 1943, re service of process upon domestic and foreign corporations, respectively. As in the case of nonresident motor vehicle service, successful service may be had upon designated employees of the Sec-

retary of State also with regard to domestic and foreign corporations when the Secretary of State is absent from his office.

Regarding service upon foreign corporations, this act provides that the Secretary of State shall be provided with specific information as to the address of the foreign corporation sought to be served. This must include the name of the city and, if of record, the street address of the corporation or its resident agent for purposes of notification. The Secretary of State can not carry out this required notification unless this complete information is made available.

A fee of three dollars ($3.00) has been included for service on foreign corporations. This constitutes the same statutory fee already existing with regard to domestic corporations.

III — Nonresident Motor Vehicle Fuel Transport Service of Process Transferred.

L. B. 252 amends Section 66-519, R. R. S. 1943, to provide service of process upon the Secretary of State (or those designated by him for such service in his absence) as valid legal service upon nonresidents and foreign corporations applying for permits to transport motor vehicle fuels in the State of Nebraska.

This service was formerly made upon the Department of Roads and Irrigation. The transfer makes such process consistent with other types of substitute process mentioned above.

As in the case of foreign corporation service, this procedure requires that specific information be furnished the Secretary of State relative to city and street address of such nonresident or foreign corporation involved in motor fuel transport. The Secretary of State must forward notice of such service of process by mail to the nonresident or foreign corporation involved.

A fee in the amount of three dollars ($3.00) must be paid in advance to the Secretary of State for such service. No fee was required prior to this act.

IV—Helpful Hints re Procedure in General.

As a result of numerous inquiries as well as personal experience with these problems in the office of Secretary of State, the following suggestions are made in order to obtain prompt and valid service of process upon the Secretary of State:

(1) *Send proper fees* for the specific case involved. This means (a) $2.00 for each defendant in a nonresident motor vehicle case; (b) $3.00 for domestic or foreign corporations; and (c) $3.00 for nonresident or foreign corporation motor fuel transport cases.

(2) *Send one copy of process* for each defendant in every case involving a NONRESIDENT MOTOR VEHICLE service. (Section 25-530, R. R. S. 1943).

(3) *Send two copies of process* for each defendant in cases in-

volving DOMESTIC or FOREIGN CORPORATIONS as well as motor vehicle fuel transport service. (Sections 21-192; 21-1201; and 66-519, R. R. S. 1943).

(4) *Send only copies of process duly signed or certified* by the clerk of the court in which the action is brought. All copies must be signed or properly authenticated or they will be returned.

(5) *No return will be endorsed on the original process by the Secretary of State.* Each service of process received is filed and promptly acknowledged by means of a personal letter including enclosure of a receipt for fees paid. The official file stamp of the Secretary of State appears only on the copy of the process actually on file in the office of Secretary of State. This officially stamps the date and hour received and filed of record.

(6) *If a written endorsement of the return on the original is necessary,* it can be obtained by having the Lancaster County Sheriff make the service personally upon the Secretary of State or his designated employees. In such cases, all papers as well as fees to the Sheriff as well as the Secretary of State must be sent directly to the Sheriff's office.

NEBRASKA LAWYER HONORED

John C. Mitchell, Kearney attorney, has been reappointed by the executive committee of the U. S. Junior Chamber of Commerce as general legal counsel of the national organization. It will be the second year of service by Mitchell in that capacity. He also served during 1953-1954 as associate legal counsel.

As general legal counsel of the corporation Mitchell will serve on the executive committee and will also serve as parliamentarian. He will attend all executive committee meetings, board of directors meetings and the 1956 national convention in Kansas City, Missouri.

"THE PRACTICAL LAWYER"

In January of this year a new kind of law magazine "The Practical Lawyer," made its debut. The publisher is the Committee on Continuing Legal Education of the American Law Institute and the American Bar Association.

"The Practical Lawyer" seeks to help the practitioner with the problems which confront him from day to day in his practice. It offers advice on "what to do", "when to do" and "how to do" on such subjects as:

Should the farmer incorporate?

How to go about settling a per-

sonal injury claim—as a plaintiff's lawyer—as a defendant's lawyer?

How to conduct a bulk sale?

What kind of bookkeeping system should be used in a small law office?

What are the tax problems in divorce?

When the named insured dies.

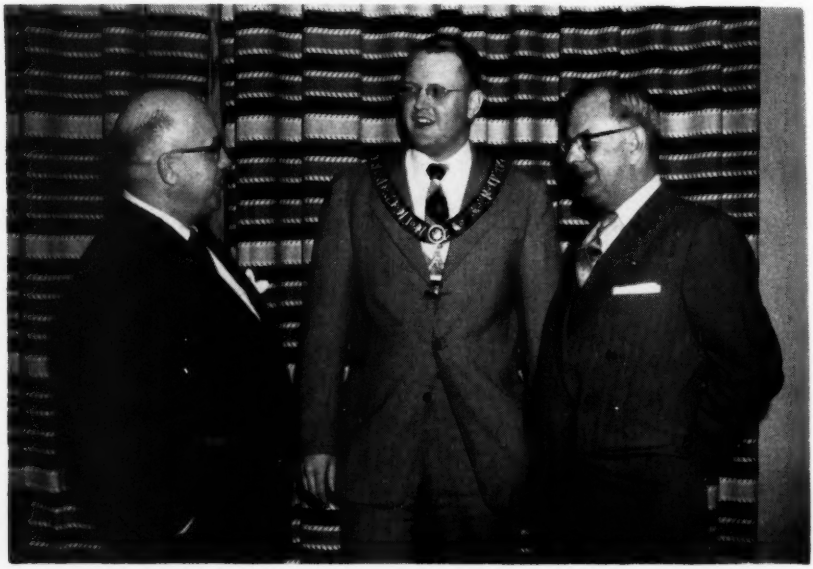
The unwilling witness.

Medical Proof.

The "Practical Lawyer" invites articles from lawyers from every state. If you have prepared an article for an institute or for presentation to your local association, you are invited to submit it for publication.

George H. Turner, Secretary of our association has been named as Regional Consultant for the "Practical Lawyer" and will be glad to receive articles submitted for publication. As Regional Consultant, our Secretary is not able to assure you that all articles submitted will be published but you are assured that each will have the careful consideration of the publishers.

AN ALL LAWYER INSTALLATION



Albert T. Reddish has been installed as Exalted Ruler of Alliance Lodge No. 961 of the Benevolent and Protective Order of Elks, which is this year celebrating its 50th anniversary.

Installing officers were attorneys Harry E. Gantz and Donald E. Williams, both past Exalted Rulers of the Lodge.

Carl R. Amos, Trust Officer
Carl Ganz, Trust Officer
Glenn Yaussi, Trust Officer
Don J. Kroger, Trust Officer

PRACTICE LAW?

No! Our policy has always been to insist that all legal work be performed by members of the legal profession and not by banks.

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